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7 UNITED STATES DISTRICT COURT
8 CENTRAL DISTRICT OF CALIFORNIA
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10 AMERY GASPARD and YVONNE
11 HRINDICH,
12 Plaintiffs,
13 v.
14 CITY OF SAN BERNARDINO and
15 SAN BERNARDINO COUNTY,
16 Defendants.
17

Case No. 5:15-cv-01802-VBF-KES

Consolidated: 5:16-cv-02290-VBF-KES

ORDER
Adopting Feb. 27, 2019 R&R (Doc #162)

18 Gaspard and Hrindich filed the Second Amended Complaint (“SAC”) in the
19 2015 case (CM/ECF Document (“Doc”) 67) on May 9, 2016.

20 By Order issued September 26, 2016 (2015 Doc 112), the previous Judge
21 dismissed all claims against the San Bernardino Individual Defendants, DEA
22 Acting Administrator Rosenberg, and Ernest Cartwright without prejudice for lack
23 of prosecution. The United States Court of Appeals for the Ninth Circuit affirmed
24 the September 26, 2016 Order by Order issued October 5, 2017 and Mandate issued
25 February 9, 2018 in appeal 17-56589 (2015 Docs 123 and 134).

26 On November 4, 2016, the prior District Judge issued an Order (2015 Doc
27 120) dismissing with prejudice all claims against the City of Ontario, Riverside
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1 County, San Bernardino County, Sheriff John McMahon, the DEA Task Force, and
2 California Highway Patrol Commissioner Joseph A. Farrow. The November 4,
3 2016 Order (2015 Doc 120) also dismissed without prejudice the SAC's claims
4 against eleven law-enforcement officers.

5 By Order issued January 4, 2019 (Doc 148), this Court denied plaintiffs'
6 motion for leave to pursue an interlocutory appeal in both cases, but granted
7 plaintiffs' motion to consolidate the 2015 and 2016 cases.

8 Pursuant to 28 U.S.C. § 636 and Fed. R. Civ. P. 72, the Court has reviewed
9 the SAC (Doc 67); San Bernardino County's motion for judgment on the pleadings
10 (Doc 106) and accompanying request for judicial notice (Doc 107), plaintiffs'
11 opposition brief (Doc 114), and the County's reply brief (Doc 160); the other files
12 herein; the Report and Recommendation ("R&R") issued by the United States
13 Magistrate Judge on February 27, 2019 (Doc 162), and the applicable law. No
14 party has filed objections to this R&R within the time allotted by Fed. R. Civ. P.
15 72(b), nor has any party sought an extension of the objection deadline.

16 Finding no error of law, fact, or logic in the R&R, the Court will accept the
17 Magistrate Judge's findings and conclusions and implement her recommendations.

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19 ORDER

20 The Feb. 27, 2019 Report & Recommendation [#162] is ADOPTED:

21 San Bernardino County's motion for judgment (#106) is **denied**.

22 San Bernardino County's request for judicial notice (#107) is **GRANTED**.

23 The consolidated case remains open and referred to the United States
24 Magistrate Judge for pre-trial matters. IT IS SO ORDERED.

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26 Dated: July 19, 2019



27 Hon. VALERIE BAKER FAIRBANK
28 UNITED STATES DISTRICT JUDGE